

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

GARY W. MUFFLEY and  
NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

CIVIL ACTION NO. 5:11-cv-00082

DYNAMIC ENERGY, INC. and  
M & P SERVICES, INC.,

Respondent.

**ORDER OF DISMISSAL**

On December 30, 2011, Petitioner filed a Motion for Voluntary Dismissal (Document 31) in the above-styled civil action. Petitioner respectfully moves for the voluntary dismissal with prejudice of this case pursuant to Federal Rules of Civil Procedure 41(a)(2). (Document 31). After careful consideration, the Court does hereby **ORDER** that the remaining requirements and deadlines contained in the scheduling order be suspended and that this action be **DISMISSED WITH PREJUDICE** and **STRICKEN** from the docket of the Court.

The Court further **ORDERS** that this civil action may be reinstated only upon written motion of one of the parties alleging good cause for such reinstatement and filed within thirty (30) days of the entry of this Order. Lastly, the Court **ORDERS** that any motions pending at the time of this dismissal are hereby **TERMINATED AS MOOT**.

The Court **DIRECTS** the Clerk of this Court to send a certified copy of this Order to any pro se party and to all counsel of record.

ENTER: January 5, 2012

A handwritten signature in blue ink, reading "Irene C. Berger", is written over a horizontal line.

IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA